

REMARKS

Claims 1-4, 6 and 8-19 are pending.

Claims 1, 8, 9 and 13 are amended.

Claims 14-19 are added.

No new matter is added.

Reconsideration is requested.

Interview Summary

Per 37 CFR § 1.133(b), the following is a brief summary of a telephone interview conducted on January 19, 2010 via telephone between the applicants' representative, Kurt Eaton, examiner Anna Momper and the examiner's supervisor Robert Siconolfi.

No exhibits were shown or demonstrations conducted. Only claims 1, 8 and 13 were discussed. The only references discussed were U.S. Patent App. Pub. No. 2002/0015825 to Meco et al. (hereinafter "Meco") and European Patent App. Pub. No. 1052425 to Osako et al. (hereinafter "Osako").

During the interview, the applicants' representative and the Examiner discussed amendments to claims 1, 8 and 13 which would likely overcome the asserted teachings of Meco. The applicants appreciate the examiner's willingness to consider a supplemental amendment from the applicants – if filed by February 2, 2010. Also discussed was the examiner's proposal to modify the resistant layer of Meco such that more than 50% of the plastomer particles contained therein have an average size smaller than 10 microns, as allegedly supported by Osako. No agreement was reached regarding the propriety of this proposed modification to Meco.

Claim Amendments

Support for amendments to claims 1, 8 and 13 can be found at, for example, page 8, lines 1-12 of the specification as originally filed.

Support for the amendment to claim 9 can be found at claim 8 as originally presented. Consequently, the current scope of claim 9 is broader than that of claim 8 as previously presented. As a result, the amendment to claim 9 does not constitute an "amendment necessitating a new ground(s) of rejection" as discussed at MPEP 706.07(a). Indeed, if the arguments traversing the rejection of claim 9 are not deemed persuasive, then the current

rejection of claim 9 can be maintained. Therefore, if claim 9 is rejected on new grounds, the new grounds were not made necessary by the fact that claim 9 is now amended.

Support for new claims 14-16 can be found at, for example, claims 1, 8 and 13 as previously presented.

Support for new claims 17-19 can be found at, for example, page 8, lines 1-12 of the specification as originally filed and at claim 1 as previously presented.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4 and 8-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2002/0015825 to Meco et al. (hereinafter “Meco”) in view of European Patent App. Pub. No. 1052425 to Osako et al. (hereinafter “Osako”). Applicants respectfully traverse this rejection.

Claim 1, as amended, is directed to a toothed belt, comprising:

a body (2) and a plurality of teeth (4); said teeth being coated with a fabric (5); **said fabric (5) being treated with a liquid solution of RFL impregnating fibres of the fabric** and successively coated on the outside with a resistant layer (8); **said resistant layer (8) directly contacting and adhering to said fabric** and comprising a fluorinated plastomer and an elastomeric material; wherein said fluorinated plastomer is in an amount by weight of between 101 and 150 parts by weight with respect to said elastomeric material. **(emphasis added)**

The combination of Meco in view of Osako fails to teach or suggest a resistant layer directly contacting and adhering to fabric that has been treated with a liquid solution of RFL in the manner recited in amended claim 1.

For example, FIG. 1 of Meco shows an adhesive material 9 disposed between the fabric 5 and the resistant layer 8. Further, at paragraphs [0029] and [0030], Meco states:

In addition, **set between the coating fabric 5 and the resistant layer 8 is an adhesive material 9**, for instance a CHEMOSIL (HENKEL registered trade mark) adhesive or a CHELOK (LORD registered trade mark) adhesive.

As shown in FIG. 3, where the white parts between the fabric 5 and the resistant layer 8 represent the adhesive material 9, **the resistant layer 8 is in this way clearly distinct and separate from the underlying fabric 5.** **(emphasis added)**

In view of the above-quoted description, Meco explicitly teaches a structure and method wherein the adhesive material 9 is interposed between the resistant layer 8 and the fabric 5 to adhere the resistant layer 8 to the fabric 5. Because the adhesive material 9 is interposed between the resistant layer 8 and the fabric 5, the toothed belt 1 of Meco does not include a

“resistant layer (8) directly contacting and adhering to said fabric,” as recited in claim 1. Osako does not cure this deficiency of Meco.

For at least the reasons presented above, claim 1 is not rendered obvious by the combination of Meco in view of Osako.

Elements recited in claims 8 and 13 are similar to those recited in claim 1. Therefore, arguments traversing the rejection of claim 1 are similarly applicable in traversing the rejection of claims 8 and 13.

Claims 2-4 and 10-12 variously depend from claims 1 and 8 and, therefore, are not rendered obvious by the combination of Meco in view of Osako at least by virtue of their various dependences from claims 1 and 8.

Further rejecting claim 12, the Office Action asserts that one of ordinary skill in the art would have found it obvious to modify Meco by applying the resistant layer 8 via spreading as allegedly taught by Osako as spreading would “provide uniform structure.” The applicants respectfully disagree for reasons discussed at page 6, lines 15-25 of the previous reply dated November 23, 2009, which are incorporated herein by reference. Moreover, Meco teaches wherein the resistant layer 8 is coupled to the fabric 5 by means of a calender process. See Meco at paragraph [0035]. The applicants submit that one of ordinary skill in the art would not be motivated to apply the resistant layer 8 to the fabric 5 by spreading because spreading the resistant layer 8 over the fabric 5 would be *more* difficult than coupling the resistant layer 8 by calendering.

Elements recited in claim 9 are similar to those recited in claim 12. Therefore, arguments traversing the rejection of claim 12 are similarly applicable in traversing the rejection of claim 9.

Lastly, the applicants continue to traverse the claim rejections presented the Office Action dated June 22, 2009 for the reasons discussed at page 7, lines 1-15.

New Claims

New claims 14-16 depend from claims 1, 8 and 13, respectively, and therefore are believed to be patentable over the cited references at least by virtue of their respective dependence from claims 1, 8 and 13. The applicants further submit that the subject matter recited in new claims 14-16 is patentable over the combination of Meco in view of Osako at least for the reasons discussed at page 5, line 23-page 6, line 4 of the previous reply dated November 23, 2009, which are incorporated herein by reference.

New claim 17 is directed to a toothed belt (1), comprising:

a body (2) and a plurality of teeth (4); said teeth being coated with a fabric (5); **said fabric (5) being treated with a liquid solution of RFL impregnating fibres of the fabric** and successively coated on the outside with a resistant layer (8); **said resistant layer (8) directly contacting said fabric** and comprising a fluorinated plastomer and an elastomeric material.

As shown above, features recited in new claim 17 are similar to those recited and discussed above with respect to claim 1. New claim 17 is thus believed to be patentable over the cited references at least for similar reasons discussed above with respect to claim 1.

New claims 18 and 19 depend from new claim 17 and, therefore, is believed to be patentable over the cited references at least by virtue of their dependence from new claim 17.

CONCLUSION

In review of the foregoing amendments and remarks, the application should be in condition for allowance. If any questions remain, the Examiner is requested to call the undersigned.

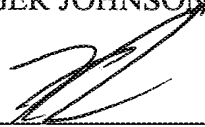
Respectfully submitted,

20575

Customer No.

MARGER JOHNSON & McCOLLOM, P.C.

By


Kurt M. Eaton
Registration No. 51,640

210 S.W. Morrison Street, Suite 400
Portland, Oregon 97204
Telephone: (503) 222-3613